



Order Filed on January 24, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**Marie-Ann Greenberg MAG-1284
Chapter 13 Standing Trustee
30 TWO BRIDGES ROAD
SUITE 330
FAIRFIELD, NJ 07004-1550
973-227-2840**

IN RE:
FRANCIS D AVELLA

Case No.: 18-30162 VFP

Hearing Date: 1/16/2020

Judge: VINCENT F. PAPALIA

Debtor is Not Entitled To Discharge

AMENDED ORDER MODIFYING CHAPTER 13 PLAN POST CONFIRMATION

The relief set forth on the following pages, numbered 2 through 2 is hereby **ORDERED**.

DATED: January 24, 2020



**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

Case No.: 18-30162 VFP

Caption of Order: AMENDED ORDER MODIFYING CHAPTER 13 PLAN POST CONFIRMATION

The Plan of the Debtor having been proposed to creditors, and hearing having been held on the Confirmation of such Plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

- ORDERED, that the plan of the above named Debtor dated 12/6/2019, or as amended at the confirmation hearing is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the Debtor; and it is further
- ORDERED, that to the extent that the Debtor's plan contains motions to avoid judicial liens under 11 U.S.C. Section 522(f) and/or to avoid liens and reclassify claims in whole or in part, such motions are hereby granted, except as specified herein:
- ORDERED, that commencing 11/1/2018, the Debtor shall pay the Standing Trustee
 - the sum of \$7,000.00 paid into date over 15 month(s), and then
 - the sum of \$949.00 for a period of 3 month(s), and then
 - the sum of \$2,058.00 for a period of 42 month(s), which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586. The unsecured creditors shall receive on a pro rata basis, the balance remaining from the payments set forth in this paragraph, after payment of all administrative, priority & secured claims (i.e., Pot Plan); and it is further
- ORDERED, that should the Debtor fail to make plan payments for a period of more than 30 days, the Standing Trustee may file with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-receipt of Payment and request that the Debtors case be dismissed. The Debtor shall have fourteen (14) days from the date of the filing of the Certification to file with the Court and serve upon the Trustee a written objection to such Certification; and it is further
- ORDERED, that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any discharged; and it is further
- ORDERED, that upon expiration of the Deadline to File a Proof of Claim, the Chapter 13 Standing Trustee may submit an Amended Order Confirming Plan upon notice to the Debtor, Debtor's attorney and any other party filing a Notice of Appearance.

Certificate of Notice Page 3 of 3

United States Bankruptcy Court
District of New JerseyIn re:
Francis D Avella
DebtorCase No. 18-30162-VFP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 26, 2020.

db +Francis D Avella, 4306 Newkirk Avenue, Apartment#1, North Bergen, NJ 07047-2710

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 26, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 24, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Specialized Loan Servicing as Servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Denise E. Carlon on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Douglas J. McDonough on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com

Herbert B. Raymond on behalf of Debtor Francis D Avella herbertraymond@gmail.com, raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemail5789@gmail.com

Marie-Ann Greenberg magecf@magtrustee.com

Melissa N. Licker on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se NJ_ECF_Notices@mccalla.com

Melissa N. Licker on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 NJ_ECF_Notices@mccalla.com

Melissa N. Licker on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 as serviced by Specialized Loan Servicing, LLC NJ_ECF_Notices@mccalla.com

Sean M. O'Brien on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10